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Remarks

This application has been reviewed in light of the Office Action of September 21, 2006. Claims 1-22 are pending. Claims 4-10 and 15-22 are objected to, and claims 1-3 and 11-14 are rejected. In response, claims 1 and 15-22 are amended; and the following remarks are submitted. Reconsideration of this application, as amended, is requested.

Ground 1. Claims 1-3 and 11-14 are rejected under 35 USC 102 as anticipated by Roberson US Patent 6,233,088. Applicant traverses this ground of rejection.

The following principle of law applies to sec. 102 rejections. MPEP 2131 provides: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the ... claim. The elements must be arranged as required by the claim..." [citations omitted] This is in accord with the decisions of the courts. Anticipation under section 102 requires 'the presence in a single prior art disclosure of all elements of a claimed invention arranged as in that claim.' Carella v. Starlight Archery, 231 USPQ 644, 646 (Fed. Cir., 1986), quoting Panduit Corporation v. Dennison Manufacturing Corp., 227 USPQ 337, 350 (Fed. Cir., 1985)

Thus, identifying a single element of the claim which is not disclosed in the reference is sufficient to overcome a Sec. 102 rejection.

Claim 1 is amended to recite in part: "the reflected beam is modulated with information comprising tactical or status information" (see para. [0034] of the present application). Roberson has no such disclosure. Applicant therefore believes that claims 1-10 are allowable over the art of record.

Claim 11 recites in part: "the controllable light reflector reflects over a field of

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regard of greater than 90 degrees relative to the controllable light reflector". Applicant can find no such disclosure in Roberson, and the explanation of the rejection does not identify any source of such a disclosure in Roberson. Applicant believes that the Examiner may have meant to allow claim 11, compare the limitation of objected-to claim 10. As discussed in para. [0010] of the present application, "The MEMS corner cube array has a field of regard of 90 degrees, but cannot respond to an interrogating field at higher angles."

Objected-to claims 15-22 are amended to improve their wording.

Applicant asks that the Examiner reconsider and withdraw this ground of rejection.

Applicant submits that the application is now in condition for allowance, and requests such allowance.

Respectfully submitted,



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